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Human rights situations that require the Council's attention

Observations by Myanmar on the report of the Special Rapporteur on the situation of human rights in Myanmar*

* Reproduced as received.

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1. Reference is made to paragraphs 8 to 17 and 19, over 220 laws were passed during the first session of the Hluttaw since Myanmar has been reviewing its domestic laws and necessary amendment, enactment and repeal were made to meet the present needs and Myanmar's obligations under the international treaties that the country is party to. This exercise will continue through public consultations as it was before. However, the author of the report should be noted that legislature of an independent country falls within the domestic jurisdiction of a sovereign country.

2. Reference is made to paragraphs 20, 21 and 22. The individuals mentioned in those paragraphs face the charges for violating laws. There may be disagreements in provisions of certain laws and such concerns can be brought to the Hluttaw for further discussion. Nonetheless, it is a responsibility of a citizen to abide by the existing laws that are currently in force. It is irrational to say the system continues to reflexively clampdown on individuals by citing three incidents while millions of people in Myanmar are enjoying fundamental freedoms and rights.

3. Reference is made to paragraph 23. These two cases are also another challenge of striking a balance between rights and responsibilities. While Myanmar guarantees freedom of expression, it is to be practiced in respect of the rights and dignity of others as stated in the ICCPR.

4. Reference is made to paragraphs 25 and 41. The paragraphs made allegations against the military intelligence, the Special Branch Police and the Border Guard Police. Allegations against the national institutions without any proven facts should be avoided.

5. Reference is made to paragraph 27. It would be appreciated if the Special Rapporteur fairly reflects the response made by the Government. In connection with U Gambira, he was charged under Section 13(1) of the 1947 Immigration Act. He left Myanmar in 2013 with temporary border pass which has 7 days validity. Then, he illegally entered back to Myanmar in 2016. A Psychiatrist is visiting him in addition to the prison doctor.

6. Reference is made to paragraph 28 of the report. No one is arrested on political grounds in Myanmar. Myanmar stands ready to provide additional information if requested.

7. Reference is made to paragraphs 29 to 35. Myanmar is a pluralist society that respects traditions and practices of different communities. The society has lived in peace and harmony for years. Using the invented term "Buddhist ultra nationalist movements" by a mandate holder of the United Nations is not acceptable and it is not clear how the term was created on which criteria.

8. Reference is made to paragraph 31. The paragraph states "Attacks and threats are mainly directed at Muslim communities". The Special Rapporteur should avoid creating and fuelling misunderstanding and doubts within Myanmar's diverse society by making such false statement without any facts.

9. Reference is made to paragraph 34. The 1982 Citizenship Law is in place based on national uniqueness including geographical location and colonial background of the country. Different countries have different historical background and Myanmar is a country built by over 100 national races who are indigenous of the land. Those who are not included in national races can also apply for citizenship of Myanmar as per criteria set out in the law.

10. Myanmar would like to provide additional information. Myanmar never tolerates hate speech and the President made several statements in reaffirming this in many occasions. Similarly, religious and community leaders are playing their part in this regard. For instance, the World Buddhist Peace Conference was held in Saging, Myanmar in January 2016. Participants from 51 countries took part in the Conference. A declaration was adopted from the Conference and it supports middle way as per Buddha's teaching,

deplores extremism, opposes misuse of the name of religions, reaffirms the freedom of religion and encourages the public to vigilant on traditional and social media reports which may amount to hate speeches. The President attended and delivered his message to the Conference which clearly conveyed the message from the political and religious leaders of Myanmar in connection with hate speech.

11. Reference is made to paragraphs 36 to 44. The Rakhine State in general has returned to normalcy. Peace and stability prevail throughout the State. Myanmar fully aware of the underdevelopment of Rakhine State and development and poverty reduction in its top priority. The Government, therefore, initiated a number of development projects including Ponnakyun Industrial Zone, Yathaetaung Agricultural and Livestock Zone, Comprehensive Kalantan River Transportation Project, Ancient Mrauk U Cultural Zone and Hotel Zone Projects. Voluntary resettlement has begun and a total of 25,000 households were benefitted from the program.

12. Reference is made to paragraph 39. Myanmar rejects the said highly discriminatory policies and practices since there is no such policies or practices in the country. Security presence in some areas is solely at the request of the community. Freedom of movement is available for every citizen but those who citizenship status is not clear, they need to apply for travel permission. With regard to marriage in Rakhine State, it is necessary to register like anywhere in the country.

13. Reference is made to paragraph 40. Myanmar would appreciate if the Special Rapporteur could provide detailed information.

14. Reference is made to paragraph 61. Myanmar would appreciate if the Special Rapporteur could reflect the facts that the Government has provided, particularly the followings;

a) The CTFMR made a total of 40 monitoring visits which include the visits to 15 headquarters, 73 battalions, 58 staff units and 7 boarder-guard forces.

b) Military disciplinary actions were taken against a total of 382 military personal which include 73 military officers and 309 other ranks in connection with underage recruitments. In addition, one civilian was sentenced for one year for assisting underage recruitment.

15. Reference is made to paragraph 63. It is not acceptable when the paragraph stated, "Forced evictions, land-grabbing and land confiscations are often carried out by or with the collusion of the military, local authorities". Allegations against a state institution without providing any facts question the professionalism and intention behind such statement. If the Special Rapporteur has concerns on individual cases, Myanmar stands ready to provide information but cannot accept such generalized conclusion.

16. Reference is made to paragraphs 75 and 79(e). Opening of any UN country office including that of the OHCHR would be possible when mutually agreeable terms and conditions are reached. In this regard, the UNGA resolution 48/141 among others, mandated that the High Commissioner of the Office is to provide advisory services and technical and financial assistance at the request of the State concerned. Myanmar is making such requests on necessary areas in promoting and protecting of human rights for her people.

17. Due to limited time to respond the draft report, it is not possible to touch some other paragraphs. It does not mean that they are acceptable to Myanmar.